

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID A. GALYEN,

Petitioner,

-vs-

Case No. 3-:06-CV-381

ERNIE MOORE, Warden,

District Judge Thomas M. Rose

Respondent.

Chief Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING DAVID A. GALYEN'S
OBJECTIONS (Doc. #11) TO CHIEF MAGISTRATE JUDGE MICHAEL R.
MERZ'S REPORT AND RECOMMENDATIONS (Doc. #9); ADOPTING
CHIEF MAGISTRATE JUDGE MERZ'S REPORT AND
RECOMMENDATIONS IN ITS ENTIRETY AND TERMINATING THIS
CASE**

This matter is before the Court pursuant to pro se Petitioner David A. Galyen's ("Galyen's") Objections (doc. #11) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (doc. #9). The Report and Recommendations was filed on March 13, 2007, and Galyen's Objections thereto were filed on April 9, 2007. The Report and Recommendations addresses Galyen's Petition for a Writ of Habeas Corpus.

The Warden did not file objections to the Report and Recommendations and did not file a response to Galyen's Objections. Galyen's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Galyen's objections to the Chief Magistrate Judge's Report and Recommendations are

not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Galyen's Petition for a Writ of Habeas Corpus is without merit and is barred by the statute of limitations. It is, therefore, DISMISSED with prejudice.

The Clerk is hereby ordered to provide a copy of this Entry to Mr. Galyen at the address indicated below. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Fifteenth day of May, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

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